

REMARKS/ARGUMENTS

Claims 1-47 are pending, of which claims 22-37 and 39-47 are withdrawn. Claims 1 and 38 are amended.

Claims 1 and 38 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. More particularly, it is alleged that there is no explicit recitation in the specification of any physical structures to perform the functions of the means-plus-function limitations in the claims. The only "structure" for performing the functions in the above claims appears to be computer program modules (i.e., virtual structure, not physical structure) and Fig. 1 (which) is a block diagram of a typical internet client server environment. Applicant respectfully disagrees.

FIG. 1 and the related text provide explicit physical structure for a client-server environment using Internet utilized by the processor, the participant, the plurality of aggregators and the plurality of the merchants. (for example, see, page11, lines 3-6). Such "Users access and browse the Web using a web browser that generally resides and is executed on the user's computer. Commercially available web browsers such as Netscape's Navigator™ and Microsoft Internet Explorer™ are very common and accessible by personal computer (PC) users." (Page 10, lines 11-16, underlining added.). Additionally, FIG. 4 and the related text provide explicit physical structure for various databases and user interfaces used by the user of the system. Yet, moreover, FIG. 4a and the related text provide explicit physical structure for the data structures within the database.

In fact, However, in *Donaldson*, the Federal Circuit emphasized that "the PTO may not disregard the structure disclosed in the specification corresponding to such language when rendering a patentability determination." (MPEP, 2181). Accordingly, it is respectfully submitted that the specification provides sufficient structural support for the means-plus-function language of claim 38. Therefore, it is respectfully requested that the above rejected be withdrawn.

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Claims 1-8, 10-21, and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Burke (U.S. 2003/0083930). Applicant submits that all of the claims currently under examination in this application are patentably distinguishable over the cited references for the following reasons, and reconsideration and allowance of this application are respectfully requested.

Amended independent claims 1 and 38 include, among other limitations, "storing the enrollment information of the plurality of aggregators, the participant, and the plurality of merchants in a database, wherein no merchant is yet selected by the participant," "providing the participant identification code to any of the plurality of merchants, when the participant initiates a purchase transaction with said any of the plurality of merchants," "receiving . . . funds corresponding to a portion of the amount for the purchase transaction by the processor," and "sending a portion of the funds received by the processor to the aggregator." Burk does not teach the above limitations.

First, with respect to the limitation of "receiving . . . funds corresponding to a portion of the amount for the purchase transaction by the processor," Burke does not teach such limitation. Rather, Burke is very clear that "the central clearinghouse component reports all transaction data to the merchant component that in turn sends a rebate check to the nonprofit component." (Paragraph [0007], underlining added.). See also, claim 1: "having the central clearinghouse report all transaction to the merchant for having the merchant send a rebate to the nonprofit organization." (Underlining added). The central clearinghouse of Burke only computes the transaction data "to determine the amount of rebate that will be rewarded and the nonprofit organization that is due the rebate amount. Participating merchants determine the level of buying needed and the amount of rebate that will be paid to the nonprofit." (Paragraph [0070], underlining added.).

The Examiner, citing paragraph [0005], states that "the processor is a central component of the system connecting the other components, hence the processor is always integral to every transaction thereby the processor inherently collect/computes a portion of each transaction." (Office action, page 5, last paragraph). Applicant respectfully disagrees. While the processor of

Burke processes transaction data, based on the above description, it is very clear that it does not receive any "funds corresponding to a portion of the amount for the purchase transaction by the processor." Burke merely states that the "clearinghouse component connects the other three components via a variety of entry terminals." (Paragraph [0005], last lime, underlining added.). This does not make the above claim limitation inherent. In fact, Burke emphasizes that "the components operate individually while maintaining a high degree of intrasystemic harmony." (Paragraph [0068], underlining added.). In contrast, the present invention has the advantage of having the processor, which is an independent entity, receive and dispense funds, rather than depending on the merchant to do so.

Second, with respect to the limitation of "sending a portion of the funds received by the processor to the aggregator," Burke does not disclose such limitation. As explained above, Burke does not receive or send any funds.

Third, with respect to the limitation of "storing the enrollment information of the plurality of aggregators, the participant, and the plurality of merchants in a database, wherein no merchant is yet selected by the participant," Burke does not teach such limitation. Rather, in Burke, the supporter has to pre-select the merchant during the enrollment, after completing step 120 of the enrolment process of FIG. 3. That is, "the computer CC, in step 125 has the supporter indicate the stores that they intend to use their transaction card." (Paragraph [0029], underlining added.). This imposes a substantial limitation on the shopper and reduces his/her flexibility of shopping at a desired shop, which is already enrolled in the program, but not selected by the shopper at the time of enrollment.

Fourth, with respect to the limitation of "providing the participant identification code to any of the plurality of merchants, when the participant initiates a purchase transaction with said any of the plurality of merchants," Burke does not disclose such limitation. Instead, as explained above, the supporter (shopper) of Burke has to pre-select the merchant during the enrollment and therefore can NOT provide "the participant identification code to any of the plurality of merchants, when the participant initiates a purchase transaction with said any of the plurality of merchants."

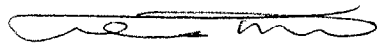
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As a result, for at least any one of the above four reasons, amended independent claims 1 and 38 are not anticipated by Burke and therefore are allowable over the cited references.

Dependent claims 2-21 and the withdrawn dependent claims 39-45 are dependent from allowable independent claims 1 and 38, respectively and therefore include all the limitations of respective independent claims 1 and 38 and additional limitations therein. Accordingly, these claims are also allowable over the cited references, as being dependent from an allowable independent claim and for the additional limitations they include therein.

In view of the foregoing amendments and remarks, it is respectfully submitted that this application is now in condition for allowance, and accordingly, reconsideration and allowance are respectfully requested.

Respectfully submitted,
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